IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 19137 of 2006(C)

EA.103/2006 IN E.P.6/99 IN O.S.95/87 of SUB COURT, THIRUVALLA

.....

PETITIONER:

A.J.THANKAMMA,
AGED 50 YEARS, W/O.M.T.RAJAN,AROOKKUZHIYIL HOUSE,
VENGALATHU KUNNU, ANIKKAD VILLAGE,
MALLAPPALLY TALUK,
PATHANAMTHITTA DIST.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. **THE MANAGER, STATE BANK OF TRAVANCORE,**
   MALLAPPALLY BRANCH,PATHANAMTHITTA DIST.

2. **M.T.RAJAN, AROOKKUZHIYIL HOUSE,**
   VENGALATHU KUNNU, ANIKKAD VILLAGE,
   MALLAPPALLY TALUK.

3. **K.GOPALAKRISHNAN, -DO- -DO-.**

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN, SC FOR SBT for R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.19137/2006 C

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF PROCLAMATION OF SALE DTD. 22/06/06.

EXT.P1(A): COPY OF AUCTION SALE SCHEDULE.

EXT.P2: COPY OF PETITION IN E.A.NO.103/06 IN E.P.6/99 IN O.S.NO.95/1987 FILED BY PETITIONER BEFORE SUB COURT, THIRUVALLA DTD. 12/07/06.

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 19137 of 2006

Dated this the 26th day of July, 2007

JUDGMENT

Sri.Santhosh Babu, the learned counsel for the petitioner confesses that the petitioner did not comply with the condition imposed by this court that a sum of Rs.20,000/- shall be paid within one month from 21.7.2006 for granting stay. Ordinarily, this court would not have been inclined to grant any relief to the petitioner, who failed to comply with the conditions after suffering conditions for obtaining interim relief.

2. However, considering the submissions of the learned counsel for the petitioner, I am inclined to enlarge the time for payment of sum of Rs.20,000/- ordered by this court on 21.7.2006 till 16.8.2007. If the payment of the above amount is made on or before 16.8.2007, the execution court will hold up further proceedings for execution for another three months and it is for the petitioner to sort out the issue with the respondent bank in any manner of his choice before the expiry of the said

period of three months. At any rate, if the issue is not settled between the parties before the expiry of the time stated above, the court below shall proceed with the execution and ensure that the respondent bank, who obtained decree way back in the year 1988, gets the fruits of that decree. It is made clear that if the petitioner does not remit the sum of Rs.20,000/- within the time stipulated herein above, the petitioner will not be entitled for any benefits under this judgment and under such an event the writ petition will stand dismissed.

It is needless to mention that the present E.P. will be kept alive by the learned Munsiff since a fresh E.P. will be time barred.

PIUS C. KURIAKOSE,
JUDGE.

Dpk